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5

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   CAL WESTERN RECONVEYANCE CORPORATION
7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA (OAKLAND)

10

11 JOSE VERA,   ) Case No.: 4:09-CV-03626 CW
)
12   Plaintiff,   )
) STIPULATION AND ~~PROPOSED~~
13   vs.   ) ORDER RE: RESPONSE OF
) DEFENDANT CAL-WESTERN
14 AURORA LOAN SERVICES LLC; GMAC   ) RECONVEYANCE CORPORATION
15 MORTGAGE CORPORATION; CAL-   )
    WESTERN RECONVEYANCE   )
16 CORPORATION; DEUTSCHE BANK   )
    TRUST COMPANY AMERICAS, IN   )
17 TRUST FOR, RESIDENTIAL ACCREDIT   )
    LOANS, INC. MORTGAGE ASSET-   )
18 BACKED PASS-THROUGH   )
    CERTIFICATES, SERIES 2005-Q04;   )
19 MORTGAGE ELECTRONIC   )
20 REGISTRATION SYSTEMS, INC.;   )
    HOMECOMINGS FINANCIAL, LLC, a   )
21 business organization, form unknown;   )
    HOMECOMINGS FINANCIAL NETWORK,)
22 INC., a business organization, form unknown;)
23 TRIMERICA MORTGAGE   )
    CORPORATION, a business organization,   )
24 form unknown; AND DOES 1-100   )
25 INCLUSIVE,   )
)
26   Defendants.   )
)
27 _____)

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-1-

1   NOW COME the parties to the above-captioned action, and Stipulate and Agree as

2   follows:

3   1. Plaintiff filed the original Complaint on July 1, 2009, in the Superior Court of

4   California, County of Sonoma. The action was removed to this Court on August 7, 2009,

5   pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a).

6   2.   Defendant Cal-Western Reconveyance Corporation filed a Declaration of

7   Non-Monetary Status on August 26, 2009. Plaintiff objected to the Declaration of Non-

8   Monetary Status on September 4, 2009.

9   3.   On Plaintiff filed a First Amended Complaint on October 2, 2009 pursuant to

10   Fed.R.Civ.P. 15(a)(1). Pursuant to Stipulation and Order, Plaintiff filed a Second Amended

11   Complaint on November 23, 2009.

12   4.   On December 9, 2009, Defendants Aurora Loan Services, LLC and Deutsche

13   Bank Trust Company America's filed a Motion to Dismiss Plaintiff's Second Amended

14   Complaint, set to be heard on January 14, 2010. On December 11, 2009, the Court gave

15   notice that it was taking the Motion to Dismiss under submission and the January 14, 2010

16   hearing is vacated.

17   5.   On December 16, 2009, Defendants GMAC Mortgage Corporation and

18   Homecomings Financial, LLC filed a Motion to Dismiss the Second Amended Complaint, set

19   to be heard on February 18, 2010.

20   6.   The parties hereby stipulate and agree that Cal-Western Reconveyance

21   Corporation may have an extension to respond to the Second Amended Complaint, pending

22   the results of the Motions to Dismiss currently on calendar. Should the January 14, 2010

23   Motion to Dismiss and the February 18, 2010 Motion to Dismiss be overruled, Cal-Western

24   Reconveyance Corporation will respond to the Second Amended Complaint within 15 days

25   of the February 18, 2010 ruling. If either Motion to Dismiss is granted, allowing a Third

26   Amended Complaint, Cal-Western Reconveyance will respond to a Third Amended

27   Complaint within twenty (20) days of service.

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STIPULATION RE: ANSWER OF DEFENDANT CAL-WESTERN RECONVEYANCE CORPORATION

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2 | IT IS SO STIPULATED.

3 | Dated: December 18, 2009   LAW OFFICE OF ALLAN J. CORY

4   By: */Allan J. Cory/*

5   Allan J. Cory,
                  Attorney for Plaintiff, Jose Vera

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7

8 | Dated: December 18, 2009   WRIGHT, FINLAY & ZAK, LLP

9   By: */Robin Prema Wright/*

10   Robin Prema Wright,
                  Attorney for Defendant Cal-Western

11   Reconveyance Corporation

12 | Dated: December 18, 2009   AKERMAN SENTERFITT LLP

13

14   By: */Justin D. Balser/*
                  Justin D. Balser

15   Attorneys for Defendants Aurora Loan Services,
                  LLC and Deutsche Bank Trust Company

16   Americas, as trustee for the Residential Accredit
                  Loans, Inc. Mortgage Asset-Backed Pass-

17   Through Certificates, Series 2005-Q04

18

19 | Dated: December 18, 2009   HOUSER AND ALLISON

20   By: */Robert L. Drieseen/*

21   Robert L. Drieseen
                  Attorneys for Defendant Mortgage

22   Electronic Registration Systems, Inc.

23

24 | Dated: December 18, 2009   PALMER,LOMBARDI & DONOHUE LLP

25   By: */Frederick A. Haist*

26   Frederick A. Haist
                  Attorneys for Defendant GMAC Mortgage

27   LLC (f/k/a GMAC Mortgage Corporation)
                  And Homecomings Financial LLC (f/k/a

28   Homecomings Financial Network, Inc.)

-3-

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ORDER

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Pursuant to the Stipulation of the parties and good cause appearing therefore,

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1.   The parties hereby stipulate and agree that Cal-Western Reconveyance Corporation may have an extension to respond to the Second Amended Complaint, pending

6

the results of the Motions to Dismiss currently on calendar. Should the January 14, 2010

7

Motion to Dismiss and the February 18, 2010 Motion to Dismiss be overruled, Cal-Western

8

Reconveyance Corporation will respond to the Second Amended Complaint within 15 days

9

of the February 18, 2010 Motion to Dismiss ruling. If either Motion to Dismiss is granted,

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allowing for a Third Amended Complaint, Cal-Western Reconveyance will respond to a

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Third Amended Complaint within twenty (20) days of service.

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IT IS SO ORDERED.

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Dated: December 28, 2009

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U.S. District Court Judge

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STIPULATION RE: ANSWER OF DEFENDANT CAL-WESTERN RECONVEYANCE CORPORATION